

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**No. 14-cv-0957 RB/SMV  
12-cr-2903 RB**

**CHRISTOPHER A. APALATEGUI,**

**Defendant/Petitioner.**

**ORDER**

THIS MATTER is before the Court, sua sponte under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant/Petitioner (hereinafter “Petitioner”) Christopher Apalategui’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 44] and Motions for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [CV Docs. 2 and 4; CR Docs. 45 and 47].

It appears from the record that Petitioner has previously been found indigent. [CR Doc. 12]. The motions to proceed *in forma pauperis* under § 1915 is therefore moot. Accordingly, the Court will deny the motions as moot.

The Court will direct the United States to answer Petitioner’s motion.

**IT IS THEREFORE ORDERED** that Petitioner’s Motions for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [CV Docs. 2 and 4; CR Docs. 45 and 47] is **DENIED** as moot.

**IT IS FURTHER ORDERED** that the Clerk is directed to forward to the United States of America a copy of Petitioner’s motion to vacate, set aside, or correct sentence and supporting papers and exhibits, if any, together with a copy of this Order.

**IT IS FURTHER ORDERED** that, within **23 days** of entry of this order, the United States answer Petitioner's motion to vacate, set aside, or correct sentence.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**